



General Assembly

January Session, 2003

Raised Bill No. 6432

LCO No. 2964

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING VICTIM SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-205 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) Upon application made under the provisions of this chapter, the
5 Office of Victim Services shall [review] evaluate such application,
6 make an appropriate determination in writing, and provide notice to
7 the applicant of such determination. In order to make a determination
8 on an application, the Office of Victim Services may administer oaths
9 or affirmations, may subpoena any witness to appear or may issue a
10 subpoena duces tecum, provided no subpoena shall be issued except
11 under the signature of a victim compensation commissioner. Any
12 application to any court for aid in enforcing such subpoena may be
13 made in the name of the Office of Victim Services only by a victim
14 compensation commissioner. Subpoenas shall be served by any person
15 designated by a victim compensation commissioner.

16 Sec. 2. Section 54-206 of the general statutes is repealed and the

17 following is substituted in lieu thereof (*Effective October 1, 2003*):

18 [(a) A] The Office of Victim Services or, on review, a victim
19 compensation commissioner may, as part of any order entered under
20 this chapter, determine and allow reasonable attorney's fees, which
21 shall not exceed fifteen per cent of the amount awarded as
22 compensation under section 54-208, to be paid out of but not in
23 addition to the amount of such compensation. No such attorney shall
24 ask for, contract for or receive any larger sum than the amount so
25 allowed.

26 [(b) A victim compensation commissioner may, as part of any order
27 entered under this chapter, determine and allow payment of health
28 care providers, as defined in subdivision (2) of section 20-7f, for health
29 care services rendered to the victim, to be paid directly to the health
30 care provider out of, but not in addition to, the amount of
31 compensation under section 54-208.]

32 Sec. 3. Section 54-215 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective October 1, 2003*):

34 (a) The Office of Victim Services shall establish a Criminal Injuries
35 Compensation Fund [.] for the purpose of funding the compensation
36 and restitution services provided for by this chapter. The fund may
37 contain any moneys required by law to be deposited in the fund and
38 shall be held by the Treasurer separate and apart from all other
39 moneys, funds and accounts. The interest derived from the investment
40 of the fund shall be credited to the fund. Amounts in the fund may be
41 expended only pursuant to appropriation by the General Assembly.
42 Any balance remaining in the fund at the end of any fiscal year shall be
43 carried forward in the fund for the fiscal year next succeeding.

44 (b) The cost paid into court under section 54-143 shall be deposited
45 in the General Fund and shall be credited to and become a part of the
46 Criminal Injuries Compensation Fund. Any restitution collected by the
47 Court Support Services Division pursuant to section 46b-140, 53a-30

48 [and] or 54-56e which is not disbursed within five years after the date
49 such restitution is collected, because the victim could not be located,
50 shall be deposited in the Criminal Injuries Compensation Fund. Any
51 restitution collected pursuant to section 46b-140 or 54-56e on or before
52 May 8, 1997, that has not been disbursed as of the effective date of this
53 section shall be deposited in the fund. If payment is awarded under
54 section 54-210 and thereafter the court orders the defendant in the
55 criminal case from which such injury or death resulted to make
56 restitution, any money collected as restitution shall be paid to the fund
57 unless the court directs otherwise. The Office of Victim Services may
58 apply for and receive moneys for the fund from any federal, state or
59 private source.

60 (c) Any administrative costs related to the operation of the [fund]
61 Criminal Injuries Compensation Fund, including credits to and
62 payments of compensation therefrom, shall be paid from the fund.
63 Administrative costs of providing direct services, the proportionate
64 share of any fixed costs associated with such services, the costs of
65 providing direct services to victims and witnesses of crimes in
66 accordance with subdivision (6) of subsection (b) of section 54-203, and
67 any services offered by the Office of Victim Services to witnesses and
68 victims of crime may be budgeted for payment from the fund. [The
69 Office of Victim Services may also apply for and receive moneys for
70 the fund from any federal, state or private source.]

71 Sec. 4. Section 54-217 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2003*):

73 Notwithstanding the provisions of [section] sections 54-204 and
74 [section] 54-205, as amended by this act, if it appears to the Office of
75 Victim Services, prior to taking action upon [such] a claim, that [(a)]
76 such claim is one with respect to which an award probably will be
77 made [,] and [(b)] undue hardship will result to the claimant if
78 immediate payment is not made, the Office of Victim Services may
79 make an emergency award to the claimant pending a final

80 determination on the claimant's application, provided (1) the amount
81 of such emergency award shall not exceed [one] two thousand dollars,
82 (2) the amount of such emergency award shall be deducted from any
83 final award made to the claimant, and (3) the excess of the amount of
84 such emergency award over the final award, or the full amount of the
85 emergency award if no final award is made, shall be repaid by the
86 claimant to the Office of Victim Services.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

Statement of Purpose:

To authorize the Office of Victim Services to allow attorney's fees, to permit restitution that has not been disbursed in certain cases to be deposited in the Criminal Injuries Compensation Fund and to increase the maximum amount of emergency awards from one thousand to two thousand dollars.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]